

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

MICHIAL LYNN MOSES, 08086078

§

VS.

§

CIVIL ACTION NO. 2:05cv561

UNITED STATES OF AMERICA

§

ORDER ADOPTING REPORT AND RECOMMENDATION

The Court referred the above-entitled and numbered civil action to United States Magistrate Judge John D. Love. The Magistrate Judge presented for consideration the Magistrate Judge's Report, containing proposed findings of fact and recommendations for disposition of this case. No objections were filed.

Petitioner filed a motion to extend time to file objections. Petitioner contends that the Report and Recommendation incorrectly states that he did not raise certain issues on appeal. He asks for an extension of time so that he can obtain the appellate record; however, he does not indicate any time frame for obtaining that record. This Court finds no reason to grant an open extension of time for Petitioner to obtain the appellate record. Furthermore, the appellate brief shows that Petitioner did not raise these issues on appeal. Petitioner's motion to extend time is therefore denied.

This Court finds that the Magistrate Judge's findings and conclusions are correct, and adopts them as the Court's findings and conclusions. The Court therefore

ORDERS that Respondent's motion to dismiss (dkt#7) is **GRANTED**;

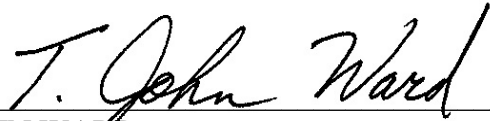
ORDERS, ADJUDGES, and DECREES that this action is **DISMISSED WITH**

PREJUDICE;

ORDERS that Petitioner is **DENIED** a certificate of appealability; and

ORDERS that all motions not previously ruled on are denied.

SIGNED this 28th day of September, 2007.

A handwritten signature in black ink, reading "T. John Ward", is written over a horizontal line.

T. JOHN WARD
UNITED STATES DISTRICT JUDGE